

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENNETH DRAYTON and FLORENCE CELESTIN,
individually and on behalf all others similarly situated,

Plaintiffs,

v.

METROPLUS HEALTH PLAN, INC. and NEW YORK
CITY HEALTH AND HOSPITALS CORPORATION,

Defendants.
-----X

STIPULATION AND
~~PROPOSED~~ ORDER OF
DISMISSAL OF PLAINTIFFS'
CLAIM FOR ATTORNEYS
FEES AND COSTS 2

No. 10 Civ. 9686 (JSR)

WHEREAS, by Order for Dismissal dated August 8, 2011 all of plaintiffs' claims, except plaintiffs' claim for reasonable attorneys fees and expenses, were dismissed with prejudice pursuant to the terms of the settlement agreement entered into by the parties; and

WHEREAS, the undersigned counsel now desire to resolve the issue of attorneys fees and expenses without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATION AND AGREED, by and between the undersigned, as follows:

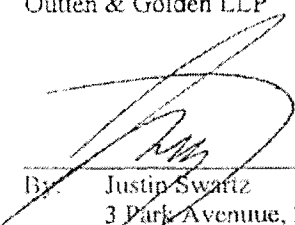
1. The City of New York shall pay Plaintiffs' Counsel, the law firm of Outten & Golden, attorneys' fees and costs in the total amount of one hundred and fifty five thousand dollars (\$155,000) in full satisfaction of plaintiffs' claim for reasonable attorneys' fees and costs in this action. This payment is made to compensate Plaintiffs' Counsel for all the work already performed in this action, and any and all the work remaining to be performed including making sure the settlement proceeds to each of the plaintiffs and opt-in plaintiffs is distributed in

accordance with the agreement of the parties. Payment shall be made to Plaintiffs' Counsel within 60 calendar days following defendants' counsel receipt of this executed stipulation and an executed release based on the terms of this stipulation. Plaintiffs' Counsel has previously provided Defendants' counsel with an executed W-9 form.

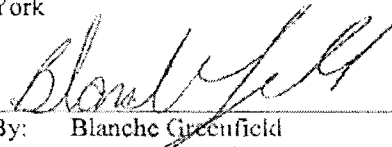
2. In consideration for the payment described in paragraph "1" supra, plaintiffs do hereby release and discharge the defendants Metroplus Health Plan and the New York City Health and Hospitals Corporation, their respective successors or assigns; and any and all past and present officials, employees, representatives and agents of the Health and Hospitals Corporation and Metroplus Health Plan from any and all claims, liabilities and/or causes of action for attorneys fees and costs arising from this action.

Dated: New York, New York
October 5, 2011

Outten & Golden LLP


By: Justin Swartz
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New York, NY 10016
Attorneys for Plaintiffs

Michael A. Cardozo, Esq.
Corporation Counsel of the City of New
York


By: Blanche Greenfield
Senior Counsel
100 Church Street
New York, NY 10007
Attorney for Defendants

SO ORDERED on this 13th day of October, 2011


United States District Judge